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| APPLICATION NO. | FIL | ING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|-----------------------------------------------|--------|------------|----------------------|-------------------------|------------------|--|
| 09/218,916 | 12 | 2/22/1998 | LARRY A. NICKUM | 450.251US1 | 2458 | |
| 32710 | 7590 | 07/25/2003 | | | | |
| GATEWAY | , INC. | | EXAMI | EXAMINER | | |
| SCOTT CHARLES RICHARDSON 610 GATEWAY DRIVE | | | | RAO, SHEELA S | | |
| MAIL DROP Y-04 NORTH SIOUX CITY, SD 57049 | | | • | ART UNIT | PAPER NUMBER | |
| | , | | | 2125 | 2.1 | |
| | | | | DATE MAILED: 07/25/2003 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. Application No. Application No. Application No. Application No. Application No. NICKUM, LARRY A. Examiner | | | | PILL | | | | |
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| Examiner Sheela Rao 2125 The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 11 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or to) ***** **PERIOD FOR REPLY (check either a) or to) **** **** **** **PERIOD FOR REPLY (check either a) or (2) the date set forth in the final rejection, whichever is tater. In or event, however, will the statutory period for reply expires on: (1) the mailing date of the final rejection or event, however, will the statutory period for reply expires the than SIX MONTHS forn the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. Which the period will be applicated and the period and the period set where the name of the statutory period of the final rejection. The statutory of the period of the final rejection of Appeal was filed on | , · · | Application No. | Applicant(s) | | | | | |
| Examiner Sheela Rap 2125 | Advisory Action | 09/218,916 | NICKUM, LARRY A | NICKUM, LARRY A. | | | | |
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| THE REPLY FILED 11 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.136 may any be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCC) in compliance with 37 CFR 1.134. PERIOD FOR REPLY [check either a) or b)] The period for reply expiresmonths from the mailing date of the final rejection. PERIOD FOR REPLY [check either a) or b)] The period for reply expires or: (1) the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than \$315 MONTHS from the mailing date of the final rejection. ONLY CHECK THIS 80X WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REPLOTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2 as set forth in 3 above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if mely filed, may reduce any earned patent term adjustment. See 37 CFR 1.74(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. The proposed amendment(s) will not be entered because: (a) the proposed area of new matter (see Note below); (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/o | | Sheela Rao | 2125 | | | | | |
| Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inial rejection under 37 CFR 1.13 may application in inal rejection under 37 CFR 1.113 may application in incondition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.134. PERIOD FOR REPLY [check either a) or b) The period for reply expires | The MAILING DATE of this communica | tion appears on the cover sheet wit | th the correspondence add | ress | | | | |
| a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is tater. In no event, however, with the statutory period for reply expires later than Stx MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE PIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPP Extensions of time may be obtained under 37 CFR 1.136(a) and the appropriate extension see have been date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see have been dated for the purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see that the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see that the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension can under 37 CFR 1.17(a) (a). Correct the mailing date of the final rejection, even if limits (filed, may reduce any earned patent term adjustment. See 37 CFR 1.794(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they are not deemed to place the application in better form for appeal by materially rejected claims. NOTE: Applicant's reply has overcome the following rejection(s): The alffidavit, b) exhibit, or c) requ | Therefore, further action by the applicant is requingly in a control in the condition under 37 CFR 1.113 may only be condition for allowance; (2) a timely filed Notice | lired to avoid abandonment of this either: (1) a timely filed amendmer of Appeal (with appeal fee); or (3) | application. A proper reply twhich places the application | y to a ition in | | | | |
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| 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. | b) The period for reply expires on: (1) the mailing d no event, however, will the statutory period for re ONLY CHECK THIS BOX WHEN THE FIRST R 706.07(f). Extensions of time may be obtained under 37 CFR 1.1 ee have been filed is the date for purposes of determining the under 37 CFR 1.17(a) is calculated from: (1) the expirat 2) as set forth in (b) above, if checked. Any reply received | ate of this Advisory Action, or (2) the date of the period of the shortened statutory period for the Office later than three months after | e mailing date of the final rejections S OF THE FINAL REJECTION. T 37 CFR 1.136(a) and the appring amount of the fee. The appropriate or reply originally set in the final | on. See MPEP opriate extension ropriate extension Office action; or | | | | |
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The declaration under 37 CFR 1.131 was not submitted in a timely manner. See MPEP 715.09 which states ---

Affidavits or declarations under 37 CFR 1.131 must be timely presented in order to be admitted. Affidavits and declarations submitted under 37 CFR 1.131 and other evidence traversing rejections are considered timely if submitted:

- (A) prior to a final rejection;
- (B) before appeal in an application not having a final rejection; or
- (C) after final rejection and submitted
 - (1) with a first reply after final rejection for the purpose of overcoming a new ground of rejection or requirement made in the final rejection, or
 - (2) with a satisfactory showing under 37 CFR 1.116(b) or 37 CFR 1.195, or
 - (3) under 37 CFR 1.129(a).

All admitted affidavits and declarations are acknowledged and commented upon by the examiner in his or her next succeeding action .

J Nhandy

Jayprakash N. Gandhi Primary Examiner Technology Center 2800